

FILED
2022 MAR 14 PM 2:08
CLERK
U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

CYNTHIA STELLA and the ESTATE OF
HEATHER MILLER,

Plaintiffs,

v.

DAVIS COUNTY, SHERIFF TODD
RICHARDSON, MAVIN ANDERSON, and
JAMES ONDRICEK,

Defendants.

**MEMORANDUM DECISION AND
ORDER DENYING DEFENDANTS'
MOTION IN LIMINE REGARDING
UNTIMELY DISCLOSURE OF
ACTUARIAL TABLES**

Case No. 1:18-cv-00002-JNP-DBP

District Judge Jill N. Parrish
Magistrate Judge Dustin B. Pead

Defendants Davis County, Todd Richardson, Mavin Anderson, and James Ondricek (collectively, "Defendants") move to prohibit plaintiffs Cynthia Stella and the Estate of Heather Miller (collectively, "Plaintiffs") from offering a life-expectancy actuarial table [ECF No. 88] as evidence at trial.

At oral argument, both sides conceded that the actuarial table would be acceptable with proper jury instructions. Indeed, Plaintiffs requested that, rather than admit the actuarial table as an exhibit, the court take judicial notice of the document and use the contents of the document to craft jury instructions. Taking judicial notice of actuarial tables from government websites is appropriate. *See United States v. Maass*, 153 F.3d 729 (Table), at *7 n.13 (10th Cir. Aug. 4, 1998) (unpublished) (citing a Seventh Circuit case taking judicial notice of life expectancy based on Census Bureau data); *In re Ongaro*, 556 B.R. 474, 479 (D.N.M. 2016) (taking judicial notice of "[a]ctuarial tables available on the web" regarding life expectancy); *Rivera v. Volvo Cars of N. Am.*, No. 13-00397, 2016 WL 7383321, at *9 (D.N.M. Feb. 5, 2016) (taking judicial notice of

the plaintiff's work life expectancy). Accordingly, the court DENIES AS MOOT Defendants' motion in limine regarding untimely disclosure of actuarial tables.

DATED March 14, 2022.

BY THE COURT

A handwritten signature in blue ink, reading "Jill N. Parrish". The signature is fluid and cursive, with the first name "Jill" being particularly prominent.

Jill N. Parrish
United States District Court Judge